CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Allan A. Ryan, Jr.
Director, Office of Special Investigations
Criminal Division
Department of Justice
1375 K Street, N.W.
Washington, D.C. 20530

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CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2007

Dear Mr. Ryan:

This is in response to Mr. Martin Mendelsohn's letter to [ ] of this Office, dated 6 December 1979 informing us that an action had been filed in the U.S. District Court in New Jersey to revoke the citizenship of Tscherim Soobzokov. In that letter Mr. Mendelsohn asked that six documents be made available for use by the Office of Special Investigations. In response to that request, the appropriate offices of the Agency have examined the documents and the circumstances surrounding their acquisition. (C)

As a result of this review, we have determined that unrestricted use of these documents would jeopardize intelligence sources and methods. However, the documents can be shown to the judge in unexpurgated form in an in camera proceeding and they can be made available to the defendant and his counsel under the terms of a suitable protective order. Finally, Agency officers can testify in open court about certain aspects of these documents as described below but their testimony on certain other matters can only be permitted in closed proceedings with the sealing of the resultant transcript. Certain information in these documents, such as names of Agency officers under cover, Agency cover installations, and sources is particularly sensitive. However, as it appears that these facts are not directly relevant to the merits of this case, we would seek your cooperation in attempting to have the court and defense counsel agree to use these documents with the sensitive items deleted. (C)

Documents 1 and 2

CIA is prepared to make these documents available to Soobzokov and his counsel under the terms of a suitable protective order and we would be willing to provide as a witness the custodian of the documents of the Directorate of Operations who can testify that the documents were found in the records system of the Directorate of Operations and that the documents have been in our files since 1952. (C)

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For reasons stated below, any other description of the acquisition of these documents must be limited to closed proceedings. (C)

A statement by a CIA witness of the circumstances surrounding the acquisition of these documents would constitute an [redacted]. As recent developments in the Middle East have clearly indicated, even mere allegations of CIA activity often provoke serious reactions by the governments and citizens of Middle East countries. [redacted]

[redacted] A parallel concern is that any admission of CIA activity [redacted] would most certainly damage, if not destroy, our ability to withhold that information from public disclosure during the processing of FOIA and Privacy Act requests or in other civil or criminal cases. (S)

As we have previously discussed with you, the sensitivity surrounding the careers of the recipient of these documents and his immediate subordinate would preclude any reference to these individuals in open testimony. Identification of these individuals could jeopardize their cover and that of other CIA employees, jeopardize past and current operations, and place Agency personnel and intelligence sources in grave personal danger. (C)

In sum, it is necessary to avoid any action and any use of these two documents that would lead to: 1) public identification or acknowledgement (by a government witness or Soobzokov) of the presence of the CIA facility [redacted] or identify or describe the activities conducted [redacted] 2) public identification of the original recipient of the document, and 3) public identification of the immediate subordinate of the recipient of the document. (S)

Document 3

CIA is prepared to make this document available to Soobzokov and his counsel under the terms of a suitable protective order. CIA will also provide as a witness a representative from the Office of Security, who can testify in open proceedings that the document was prepared by a representative of the Office of Security following an interview with Soobzokov in 1953 and has been in our files since that date. If further testimony is required by the Court, it may only be given in closed proceedings. (C)

Although this document is relatively brief, it contains a significant amount of information concerning intelligence methods. It was prepared following a polygraph interview conducted on Soobzokov in 1953. The interview was conducted at the request of Soobzokov's case officer, the first individual described in the discussion of documents 1 and 2. Accordingly, our primary concern is that the use of this document may lead to the disclosure of identities of this individual and his associates and the details of the [redacted] operation. (S)

Because the interview took place in a second country, the use of the document may also lead to the disclosure of CIA activities in that country, which would damage our relations with that country, inhibit our ability to conduct operations, and place in jeopardy CIA and government officers currenty assigned to that country. (S)

Document 4

CIA is prepared to make this document available to Soobzokov and his counsel under the terms of a suitable protective order. CIA would also provide as a witness the custodian of the records of the Directorate of Operations (DO), who will be able to state in open court that the document has been maintained in the files of the DO since 1956. If further testimony is required, it may only be given in closed proceedings. (C)

The document itself is a report of a counterintelligence debriefing conducted on Soobzokov in 1956 by a third CIA staff officer. The interview was conducted in the United States. This interview was not conducted during the course of any on-going operations, but was part of the pre-clearance screening of Soobzokov as a potential asset. The interview was apparently conducted under the auspices of cover unit with cover provided by another government agency. Accordingly, any discussion of the circumstances surrounding CIA's acquisition of the document would disclose that the CIA, not the cover unit, conducted the interview, and disclose the identity of this CIA cover unit. Such disclosure would endanger the security of the individuals who had been assigned to, or dealt with the unit. It would also damage our ability to provide such cover in the future, as the other agency's willingness and ability to provide cover is in no small degree tied to our ability to prevent disclosure of the existence of such cover. (S)

The document cannot be released publicly in full text as it contains substantial amounts of information concerning covert installations and personnel assigned to them; identifies uses made of Soobzokov and uses contemplated for him (thus identifying CIA's operational targetting); and identifies those subjects which were of counterintelligence interest to CIA and, by omission identifies subjects which had not come to our attention. (This last point is of no mean significance in that it may disclose a weakness in our counterintelligence capacity.) (S)

Document 5

Although this document does not contain classified information, the circumstances surrounding its acquisition are of such a sensitive nature that we may provide it to Soobzokov and his counsel only under the terms of a suitable protective order. CIA will provide as a witness the custodian of the documents of the Directorate of Operations who will be able to state in open Court that the document has been maintained in the files of the DO since 1953. If any further testimony is required, it may only be given in closed proceedings. (C)

Although the document contains only information concerning Soobzokov's personal activities, the circumstances surrounding the creation and acquisition of the document bear heavily on CIA equities. At the date the document was created Soobzokov was engaged in a covert training program for future CIA assets. This operation was conducted under cover and was not identified as CIA to the trainees. If a discussion of this document were to disclose CIA's interest in this operation it could place in jeopardy unwitting individuals who may have returned to hostile locations, reveal the affiliation of CIA personnel assigned to the operation, and damage our ability to obtain such cover in the future. (S)

Document 6

CIA is prepared to make this document available to Soobzokov and his counsel under the terms of a suitable protective order. CIA will also provide a witness from the Office of Security who can testify in open court that the document was prepared by a representative of that Office following an interview with Soozokov and that the document has been in our files since 1959. If further testimony is required it may only be given in closed proceedings. (C)

The document contains a large amount of detail concerning Soobzokov's personal history, but also details in some depth his past associations with CIA, and our efforts to establish his bona fides during his association with CIA. Of additional concern is the amount of detail this document contains on polygraph methodology, including specific questions and the analysis of Soobzokov's answers to them. It is our opinion that the release of this information could be especially damaging in that the information would provide a valuable tool to aid opposition services in developing procedures to defeat our polygraph testing. (S)

Conclusion

The Agency has no objection to providing the full text of these documents to Soobzokov and his counsel under the terms of a suitable protective order. Such an order must provide, at a minimum, for clearance by CIA of all individuals who will have access to classified material, secure storage of all documents and notes, and a prohibition against disclosure of classified information to individuals not authorized by CIA to receive such information. A copy of a protective order issued in a recent case is enclosed with this letter. I suggest that representatives from your Office meet with us the earliest opportunity to draft an appropriate order for use in this case. (C)

If it is necessary to provide testimony which would touch upon the sensitive matters described above such testimony must be given in closed proceedings. We are prepared to provide a cleared court reporter to prepare the transcript of such testimony. In addition, all notes, records or transcripts which contain classified information must be placed under seal of the court and stored at a facility approved for storage of secret material by the Office of Security. (C)

If Agency documents or other classified materials are to be used in any proceedings, they will be transported to the court by Agency security officers and returned at the end of the day to the CIA for safekeeping or stored in a safekeeping facility approved for storage of secret material by the Office of Security. Because of the sensitivity of the information contained in the classified documents, they may only be used in closed proceedings. (C)

Our preference, of course, would be to avoid closed proceedings and instead to obtain a stipulation or a ruling from the court that the documents can be used in redacted form, and that testimony would not be required as to the sensitive matters which are the subject of our concern. (C)

Sincerely,

[redacted]
Office of General Counsel

Enclosure